

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES**

**May 23, 2005**

**MEMBERS PRESENT:** Emery Zahner, Geri Kupecky, and Alternates Arlo Hoffman, James Prichard

**MEMBERS ABSENT:** Mort Heidari, Lori Spielman, Robert Hoffman, Cliff Aucter, and Alternate Ronald Small

**STAFF PRESENT:** Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

**I. CALL TO ORDER:**

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:07 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS: NONE**

**III. PUBLIC HEARINGS:**

**THE COMMISSION HEARD ITEMS #S200502 & #Z200519 – DEVELOPMENT SERVICES, TOGETHER.**

1. #S200502 – Development Services, LLC for a 20 lot subdivision on property located at 33 Newell Hill Road, APN 127-014-0000 in an RA Zone.
2. #Z200519 – Development Services, LLC for a special permit for three rear lots included within a proposed 20 lot subdivision on 33 Newell Hill Road, APN 127-014-0000 in an RA Zone.

**TIME:** 7:09

**SEATED:** Emery Zahner, J. Prichard, G. Kupecky, A. Hoffman

Attorney Walter Twachtman came forward and gave an overview of the application. He explained that there will be a 20 lot subdivision on 70 acres of land with 35 acres of open space.

Pat Gorman, LRC Group came forward to explain the design. They have addressed concerns from the prior hearing.

John Sima, P.E. submitted another technical report (5/6/05) and presented his findings, based on additional research undertaken since the last hearing, and answered questions regarding public water supply standards.

Members of the public expressed their concerns about potable water supplies on Newell Hill Road and the amount of traffic this subdivision will produce.

In response to questions from the public regarding “impact assessment” the planner explained the general distinction between policy/planning and permitting and encouraged those present to support funding requested for the Plan of Conservation and Development.

Chairman Zahner read Jim Thompson's letter dated 5/23/05.

Attorney Walter Twachtman explained that they don't have North Central's approval therefore they need to continue the hearing. He agreed to grant an extension of 35 days to complete the public hearing.

**MOVED (KUPECKY), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE JUNE 27, 2005 MEETING FOR #S200502 & #Z200519 – DEVELOPMENT SERVICES, LLC.**

3. #S200503 – Angel Trace, LLC for a 20 lot subdivision on properties located on Crystal Lake Road and 94 Crystal Lake Road, APN 110-018-0000 & 109-009-0000 in an RA Zone.

**TIME:** 8:07

**SEATED:** Emery Zahner, J. Prichard, G. Kupecky, A. Hoffman

Attorney Joe Capossela came forward for the applicant. He gave the commission revised plans and reviewed the changes. He explained that they need to go back to Wetlands to get a modification to the plan. He suggested that the application be approved with conditions.

Attorney Joe Capossela submitted an appraisal for the fee-in-lieu.

Attorney Joe Capossela read Jim Thompson's letter dated 5/23/05.

After discussion, it was decided to defer action to the June 27, 2005 meeting in order to receive a report from the Inland Wetlands on the plan modification.

**MOVED (KUPECKY), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING FOR #S200503 – ANGEL TRACE, LLC; IN ORDER TO RECEIVE A REPORT FROM THE INLAND WETLANDS AGENCY REGARDING THE STORM WATER MODIFICATIONS REQUIRED BY THE TOWN ENGINEER.**

4. #Z200514 – T & M Building Co. for a special permit for renewal of earth excavation permit on properties located at: 8 Rosa Court, APN 037-005-0058; 6 Rosa Court, APN 037-005-0059; 42 Highland Ave., APN 037-005-0070; 41 Highland Ave., APN 037-005-0072; 43 Highland Ave., APN 037-005-0073; 45 Highland Ave., APN 037-005-0074; 47 Highland Ave., APN 037-005-0075; 49 Highland Ave., APN 037-005-0076 in an A Zone.

**TIME:** 8:35

**SEATED:** Emery Zahner, J. Prichard, G. Kupecky, A. Hoffman

The planner explained that the only purpose of the permit was to allow excavated surplus material to be taken off site. The grading will continue in compliance with the approved subdivision plan.

Mark Smith, TO Design, reviewed the plan.

Chairman Zahner read Jim Thompson's letter dated 5/23/05.

**MOVED (KUPECKY), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200514 – T & M BUILDING COMPANY.**

**MOVED (KUPECKY), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE #Z200514 – T & M BUILDING COMPANY SUBJECT TO JIM THOMPSON'S LETTER DATED 5/23/05.**

5. #Z200508 – Cumberland Farms, Inc. for site plan approval and special permit for improvements to an existing gas station and convenience store on property located at 5 Wapping Wood Road, APN 009-026-0000 in a C Zone.

**TIME:** 8:45

**SEATED:** Emery Zahner, J. Prichard, G. Kupecky, A. Hoffman

The applicant requested a postponement and granted an extension for that purpose. (see memo in file dated received 5/19/05)

**MOVED (HOFFMAN), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING ON JUNE 27, 2005 MEETING FOR #Z200508 – CUMBERLAND FARMS, INC.**

**THE COMMISSION HEARD ITEMS #S200504 & #Z200518 – CAPSTONE BUILDERS TOGETHER.**

6. #S200504 - Capstone Builders for a 9-lot subdivision on property located at 14 South Road, APN 111-008-0000 in an RA Zone.
7. #Z200518 – Capstone Builders for a special permit for one rear lot included within a proposed 9 lot subdivision on property located at 14 South Road, APN 111-008-0000 in an RA Zone.

**TIME:** 8:46

**SEATED:** Emery Zahner, J. Prichard, G. Kupecky, A. Hoffman

Mark Peterson, Gardner & Peterson, reviewed the plans with the commission. He explained the topography of the property and submitted a water shed map to the commission. He also reviewed the peak flow and the sedimentation basin. There is no water course to discharge to and peak flows will not increase off site velocity.

Attorney, Joe Capossela read Jim Thompson's letter dated 5/23/05.

Attorney Joe Capossela explained that they already have a Wetlands permit. The proposed lot 9 was to be used as open space but Conservation Commission did not recommend the town accept it, so they will do a fee in lieu. (appraisal submitted).

After considerable discussion, the commission directed the planner to ask the Town Attorney for a legal opinion regarding the need for an easement from the abutter as to storm water discharges.

**MOVED (HOFFMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE JUNE 27, 2005 MEETING FOR #S200504 AND #Z200518 – CAPSTONE BUILDERS.**

8. #Z200517 - DeCarli, Inc. for a special permit for earth excavation on property located on Sadds Mill & Green Roads, APN 100-008-0000 in an I & RA Zone.

**TIME:** 9:30

**SEATED:** Emery Zahner, J. Prichard, G. Kupecky, A. Hoffman

Tim Coon, J.R. Russo & Associates reviewed the plan with the commission. The same access road will be used and the project will be done in two phases.

Matt Davis, Town Planner suggested putting up an orange construction fence or some other field identifier of the 100' buffer to the abutting properties.

Chairman Zahner, read Jim Thompson's memo dated 5/23/05. The memo did not include a bond amount, but the Planning & Zoning Commission agreed a bond would be required, per standard procedures for these operations.

**MOVED (KUPECKY), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200517 – DECARLI, INC.**

**MOVED (KUPECKY), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE #Z200517 – DECARLI, INC.**

#### **IV. UNFINISHED BUSINESS:**

1. Open Space Fee in lieu; Request for Town Attorney opinion. (Appraiser list concept)

The planner has not received a response from the Town Attorney.

#### **THIS ITEM WAS TABLED TO THE JUNE 27, 2005 MEETING**

2. Request from Ellington WPCA for Planning & Zoning Commission's input regarding economic development. (P. Lombardo letter dated 4/14/05)

The Planning & Zoning Commission thought some of the questions were vague and could not be answered properly until the Plan of Conservation & Development update was completed. The planner will respond accordingly.

3. Discussion: Land Use permit fee modifications.

The Planning & Zoning Commission was not prepared to discuss this item with only four members present. They agreed to table it with the understanding that the Board of Finance Chair has suggested that new fees be in place by July 1. The Planning & Zoning Commission felt that they had been asked to consider the land use fee update, and that they also understand that the Board of Selectman has the authority to proceed as well.

4. Conservation and Development Plan Update Proposal. Review consultant proposal.

The Planning & Zoning Commission will defer until they have a better handle on the budget situation.

5. Discussion Regarding Cornerstone Appeals Settlement.

The planner reported that all appeals were withdrawn with out any changes to the approved plans.

6. Memo to Land Use Commission from Matt Davis dated, 5/2/05. (Proposed FY 05-06 Budget Request)

The planner outlined the reductions made to date by the Board of Finance. (as of 5/2/05)

### **III. NEW BUSINESS:**

1. #Z200520 – Landmark Surveys for Erosion and Sedimentation Control Plan Certification on property located on West Road, APN 046-001-0000 in an RA & PC Zone.

The planner reported that this was necessary to allow additional material to be imported to the site.

Rachel Dearborn, Landmark Survey's came forward for the application. All work will be done by September 1, 2005.

### **MOVED (KUPECKY), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE #Z200520 – LANDMARK SURVEYS.**

2. Discussion: Proposed (DRAFT) Zone Boundary Map Amendments, Olde Farms Road and Main Street (West) at Route 286. (Staff memo dated 5/10/05)

The commission directed the planner to move forward with these changes.

3. Staff request for direction regarding proposed monument signs with in single family subdivisions. (Staff memo dated 5/17/05)

### **BY CONSENSUS, THIS ITEM WAS TABLED TO THE JUNE 27, 2005 MEETING.**

4. **MOVED (PRICHARD), SECONDED (KUPECKY) AND UNANIMOUSLY APPROVED TO ADD BY VOICE VOTE FOR RECEIPT #Z200522 – PIONEER BUILDERS OF ELLINGTON, PROPOSED AGE RESTRICTED CLUSTER DEVELOPMENT, MAPLE STREET. (APN #073-014-0000)**

A public hearing will be held at the June 27, 2005 meeting.

5. **MOVED (KUPECKY), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE: #Z200521 – CORNERSTONE ELLINGTON, LLC FOR A MINOR SITE PLAN MODIFICATION, WEST ROAD. (APN #037-005-0086)**

Len Jacobs, VHB, came forward to explain the changes to the basin, and others required by the Wetland Commission.

Chairman Zahner, read Jim Thompson's letter dated 5/23/05.

**MOVED (PRICHARD), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE #Z200521 – CORNERSTONE ELLINGTON, LLC, MINOR SITE PLAN MODIFICATION, WEST ROAD. (APN #037-005-0086)**

**VI. ADMINISTRATIVE BUSINESS:**

1. Appointments to CRCOG Regional Planning Commission. **(TABLED)**
2. Approval of Meeting Minutes: April 25, 2005 regular meeting minutes.

**MOVED (HOFFMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE THE APRIL 25, 2005 MEETING MINUTES WITH CHANGES TO ITEM #2, TO CORRECT PERSON MAKING THE MOTION.**

3. Correspondence:
  - a. Letter to Tom Savage from Matt Davis dated, 5/4/05. (Hyde's Hill Subdivision)
  - b. Letter to Tom Savage from Matt Davis dated, 5/4/05. (Pioneer Heights Subdivision)
  - c. Memo to Dennis Milanovich & Members of Board of Selectman dated, 5/4/05. (CONNDOT Land Donation)
  - d. Memo to Robert Philips from Matt Davis dated 4/27/05.

**VII. ADJOURNMENT:**

**MOVED (HOFFMAN) SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:30 PM.**

Respectfully Submitted,

Kristin Michaud  
Recording Secretary